

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of)	
)	
Remedial Steps For Failure to Comply With)	MM Docket No. 02-113
Digital Television Construction Schedule)	
)	
Requests for Extension of the)	
October 5, 2001, Digital Television)	
Construction Deadline)	

**COMMENTS OF
HIGH DEFINITION TELEVISION ASSOCIATION OF AMERICA**

The High Definition Television Association of America (“HDTVAA”) hereby submits its comments in response to the Federal Communications Commission’s (the “Commission” or “FCC”) Notice of Proposed Rulemaking (“NPRM”).¹

The HDTVAA is a consumer-led organization which is organizing to promote the adoption of High Definition Television (“HDTV”) in the United States and abroad through a wide variety of means. HDTVAA, which is still in the process of becoming officially organized, has a vital interest in all matters dealing with HDTV now before the Commission.

The HDTVAA applauds the new impetus that has been given to the transition to HDTV because of the release last April of Chairman Michael Powell’s voluntary guidelines.² While the HDTVAA applauds Chairman Powell’s use of the “bully pulpit” of his position to shepherd the

¹ In the matter of Remedial Steps For Failure to Comply With Digital Television Construction Schedule and Requests for Extension of the October 5, 2001, Digital Television Construction Deadline, *Notice of Proposed Rulemaking* (“NPRM”), MM Docket No. 02-113 (rel. May 24, 2002).

² Michael K. Powell, Chairman, Federal Communications Commission, Statement, “Proposal for Voluntary Industry Actions to Speed the Digital Television Transition,” 4 April 2002.

transition to DTV, the FCC also has a duty and right to enforce its policies and regulations related to that transition.

The NPRM represents just the type of official interest the Commission should be taking in the details of DTV transition. In all nine of the cases covered by the NPRM, it appears that there have been continuing, good faith efforts to construct the necessary transmission facilities. On the other hand, good faith efforts also require vigorous encouragement when a deadline is three years past.

The HDTVAA supports the Commission's proposed set of graduated measures and sanctions against Top 30 market network affiliates that have not completed construction of their facilities. The HDTVAA agrees that the completion of these most-watched over-the-air stations in the largest national markets is a key to the success of the transition to 21st Century television.

However, the HDTVAA is committed to making certain that all Americans have access to this revolution in home entertainment. Therefore, the HDTVAA encourages the Commission to finalize work on these proposals quickly after the public comment cycle ends. Further, the FCC should quickly turn its attention to imposing similar guidelines and sanctions on other sets of licensees which have failed to complete construction in accordance with the milestones established for them by the Commission.

With regard to the question of whether an allotment should be retired in some locations if the original licensee's authorization has been rescinded³, the HDTVAA unequivocally supports making a vacated allotment available for other potential licensees. Only in extraordinary circumstances due to the likelihood of severe interference into other, short-spaced stations should allotments be retired. It is no secret that there are increasingly fewer and fewer "voices"

³ See NPRM at 19.

reaching the American public over-the-air due to the increasing concentration of ownership of FCC licensed media outlets. In that light, prematurely reducing the future choices available to the American public in any locale is unwarranted, absent the aforementioned circumstances.

The HDTVAA welcomes this opportunity to participate in this proceeding and intends to follow with great interest the Commission's efforts to encourage licensees to meet the generous deadlines it has set for the construction of DTV facilities. The HDTVAA encourages the FCC to use whatever means are at its disposal to expedite the continued roll out of 21st Century television for the benefit of the American public.

Respectfully submitted,

HIGH DEFINITION TELEVISION
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Date: July 8, 2002

CERTIFICATE OF SERVICE

I, Christine L. Zepka, hereby certify that on this 8th day of July 2002, a true and correct copy of the foregoing "Comments" was sent via hand delivery, to the following parties:

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